

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
PEDRO CASTILLO,

Plaintiff,

21 **CIVIL** 11109 (PMH)

-v-

JUDGMENT

C.O. ROBERT C. SNEDEKER, DONALD
VENETTOZZI, C.H.O. KATHERINE HENLEY,

Defendants.

-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated July 8, 2024, the Court GRANTS the motion to dismiss Plaintiff's claim against Snedeker regarding the false misbehavior report with prejudice. "Although courts generally grant a pro se plaintiff leave to amend a complaint to cure its shortcomings, leave to amend may be denied if the plaintiff has already been given an opportunity to amend but has failed to cure the complaints deficiencies." *Amaker v. Gerbing*, No. 17-CV-03520, 2022 WL 463312, at *8 (S.D.N.Y. Feb. 15, 2022) (cleaned up). Moreover, leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgmt. Corp.*, 541 F. Appx 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). Having been given the opportunity to cure the Complaints deficiencies with respect to the remaining claim, which was specifically and fully identified in the Prior Order, and having failed to so, Plaintiffs Fourteenth Amendment due process claim against Snedeker is dismissed with prejudice because any amendment would be futile. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Opinion and Order would not be taken in good faith, and

therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Accordingly, the case is closed.

Dated: New York, New York

July 8, 2024

DANIEL ORTIZ
Acting Clerk of Court

A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned above a horizontal line.

BY:

Deputy Clerk